

**Commonwealth of Kentucky  
Natural Resources and Environmental Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**Title V  
AIR QUALITY PERMIT**

**Permittee Name:** Amak Brake, LLC  
**Mailing Address:** 1765 Cleveland Avenue, Glasgow, Kentucky 42141

**Source Name:** Amak Brake, LLC  
**Mailing Address:** 1765 Cleveland Avenue  
Glasgow, KY 42141

**Source Location:** same as above

**Permit Number:** V-00-032 (Revision 1)  
**Log Number:** G371 (original), 54098 (Revision 1)  
**Review Type:** Operating  
**Source ID#:** 21-009-00067  
**ORIS Code:** N/A

**Regional Office:** Bowling Green  
**County:** Barren

**Application**  
**Complete Date:** February 4, 1999  
**Issuance Date:** September 13, 2000  
**Revision Date:** December 10, 2001  
**Expiration Date:** September 13, 2005

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**John E. Hornback, Director  
Division for Air Quality**

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## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto and shall become the final permit unless the U.S. EPA files an objection pursuant to 401 KAR 52:100, Section 10.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **Group Requirements: Group 1 Particulate emitting Process Equipment**

- 02(05,06)                      2 Primer Spray Booths**  
**Description:** These units have a processing rate of 0.010 tons per hour. Control equipment: thermal oxidizer  
Date Commenced: 1/1/95
- 03(07,08)                      2 Adhesive Spray Booths**  
**Description:** These units have a processing rate of 0.01161 tons per hour. Control equipment: thermal oxidizer  
Date Commenced: 1/1/95
- 04(10)                          4 Slitters and Grinders**  
**Description:** These units have a processing rate of 720 parts per hour each. (Each part is equivalent to 1.24 pounds.) There is a baghouse used for control.  
Date Commenced: 1/1/95
- 05(11,12,13,14)              4 Marking and Painting Lines**  
**Description:** These units have a processing rate of 0.784 gallons per hour (9.16 pounds per hour). There is a fabric filter used for control.  
Date Commenced: 1/1/95
- 06(09)                          4 Mixing and Blending system**  
**Description:** These units have a processing rate of 0.331 tons per hour each. There is a baghouse used for control.  
Date Commenced: 1/1/95
- 13(-)                            Acid Emulsion**  
**Description:** This unit has a processing rate of 3.9 gallons per hour (37.8 pounds per hour) for machine point 1 and 1.14 pounds per hour for machine point 2. There is a gas scrubber used for control.  
Date Commenced: 7/26/96
- 16(32)                          4 Slitters and Grinders with baghouse**  
**Description:** These units have a processing rate of 720 parts per hour each. (Each part is equivalent to 1.24 pounds.) There is a baghouse used for control.  
Date Commenced: 10/1/96

### **APPLICABLE REGULATIONS:**

401 KAR 59:010, New process operations which commenced on or after July 2, 1975

#### **1. Operating Limitations:**

None.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****2. Emission Limitations:**

Pursuant to Regulation 401 KAR 59:010:

- a) Visible emissions from each emission point listed in the above table shall not equal or exceed 20 percent opacity, as determined with Reference Method 9, Appendix A, 40 CFR 60.
- b) Hourly particulate emissions from each emission point listed in the above table as measured by Reference Method 5, Appendix A, 40 CFR 60, averaged over three hours shall not exceed 2.34 lb/hr

Compliance Demonstration: To provide reasonable assurance that the particulate matter emission limitations (TSP and PM<sub>10</sub>) are being met, the permittee shall monitor the amount and type of process weight added to each particulate matter emissions unit. The process weight shall be determined as the average hourly tons added to the emission unit averaged over a one-month period. Average particulate emissions shall be calculated as follows:

$$PE = (PW \times PEF)$$

Where PE = Particulate emissions in lbs./hr, PW = process weight in tons/hr, gal/hr, or parts/hr; and PEF = particulate emission factor in lbs/ton, lbs/gal, or lbs/parts of process weight as found in the emissions inventory system.

**3. Testing Requirements:**

None.

**4. Specific Monitoring Requirements:**

- a) To provide reasonable assurance that the visible emission limitations are being met the permittee shall:
  - i) Perform a quarterly opacity reading, or more frequent if requested by the Division, from each stack or vent using Reference Method 9. Opacity readings shall be conducted while the emission units are in operation
  - ii) Perform a daily qualitative visual observation of the opacity of emissions from each stack/vent and maintain a log of the observation. The log shall note:
    - 1) Whether any air emissions (except for water vapor) were visible from the vent/stack,
    - 2) All emission points from which visible emissions occurred, and
    - 3) Whether the visible emissions were normal for the process.
  - iii) Determine the opacity of emissions by Reference Method 9 if visible emissions from any stack/vent is perceived or believed to exceed the applicable standard.

**5. Specific Record Keeping Requirements:**

Records shall be maintained of the daily, qualitative, and quarterly Reference Method 9 opacity readings and the amount of process weight processed by each emissions unit. These records shall be maintained for 5 years and made available for review upon request. Records shall be maintained of the process weight for the units in the above table.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**6. Specific Reporting Requirements:**

Any exceedance over the opacity or particulate matter emission limitations as stated in this permit shall be reported to the Division as specified in Section F (6). The company shall also certify to the Division, annually, that a daily visible emission survey is conducted and the specified records are being kept for these emission points. If more than two exceedances occur in any rolling six months, the owner or operator shall submit to the Division's Frankfort Regional Office a corrective action plan for the Division's approval on form DEP7007BB, no later than 30 days from the second exceedance.

**7. Specific Control Equipment Operating Conditions:**

None.

**8. Alternate Operating Scenarios:**

None.

**9. Compliance Schedule:**

None.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

22(-)

**Open Top Vapor Degreaser with Trichloroethylene**

**Description:** This unit uses 2000 gallons of trichloroethylene per year.

A freeboard ratio of 0.75 is used for control.

Date Commenced: 9/21/2001

**APPLICABLE REGULATIONS:**

40 CFR 63, Subpart T, "National Emission Standards for Halogenated Solvent Cleaning"

**1. Operating Limitations:**

Pursuant to 40 CFR 63, Subpart T, the permittee shall ensure that each of the above cleaning machines conforms to the following design requirements.

- a. Maintain a reduced room draft as described in 40 CFR 63.463(e)(2)(ii).
- b. Each cleaning machine shall have a freeboard ratio of 0.75 or greater.
- c. Each cleaning machine shall have an automated parts handling system capable of moving parts or parts basket at a speed of 3.4 meters per minute (11 feet per minute) or less from the initial loading of parts through removal of clean parts. The moving parts or parts basket shall not occupy more than 50 percent of the solvent/air interface area.
- d. Each vapor-cleaning machine shall be equipped with a device that shuts off sump heat if the sump liquid solvent level drops to the sump heater coils.
- e. Each vapor-cleaning machine shall be equipped with a vapor level control device that shuts off sump heat if the vapor level rises above the height of the primary condenser.
- f. Each vapor-cleaning machine shall have a primary condenser, which shall be turned on before the sump heater during startup. The primary condenser may not be shut off during shutdown until after the sump heater has been turned off and the solvent vapor layer allowed to condense.
- g. Parts shall be oriented so that the solvent drains from them freely. Parts having cavities or blind holes shall be tipped or rotated before being removed from any solvent cleaning machine unless an equally effective approach has been approved by the administration.
- h. Parts baskets or parts shall not be removed from any solvent-cleaning machine until dripping has stopped.
- i. The solvent shall be transferred to and from the solvent cleaning machine using threaded or other leak proof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface.
- j. The solvent cleaning machine shall be operated according to manufacturer's specifications and all operators must complete and pass the applicable sections of the test of solvent cleaning operating procedures in 40 CFR 63, Subpart T, Appendix B.
- k. Waste solvent, still bottoms, and sump bottoms shall be collected and stored in closed containers.
- l. Any spraying operations shall be done within the vapor zone or within a section of the solvent cleaning machine that is not directly exposed to the ambient air.
- m. No sponges, fabric, wood, or paper shall be cleaned in the solvent-cleaning machine.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****2. Emission Limitations:**

Determine the potential to emit from all solvent cleaning operations, using the following procedures. A facility's total potential to emit is the sum of the hazardous air pollutant (HAP) emissions from all solvent cleaning operations, plus all HAP emissions from other sources within the facility.

- a. Determine the potential to emit for each individual solvent cleaning using the following equation.

$$PTE_i = H_i \times W_i \times SAI_i$$

Where  $PTE_i$  = potential to emit for solvent cleaning machine  $i$  (kilograms of solvent per year),  $H_i$  = hours of operation for solvent cleaning machine  $i$  (hours per year),  $W_i$  = working mode uncontrolled emission rate (kilograms per square meter per hour), and  $SAI_i$  = solvent/air interface area of solvent cleaning machine  $i$  (square meters). 40 CFR 63, Subpart T, condition 63.461 defines the solvent/air interface area for those machines that have a solvent/air interface.

- b. Sum the  $PTE_i$  for all solvent cleaning operations to obtain the total potential to emit for solvent cleaning operations at the facility.

**3. Testing Requirements:**

None.

**4. Specific Monitoring Requirements:**

The permittee shall perform the following inspections on the solvent-cleaning machine.

- a. Monitor the refrigeration device by measuring the temperature of the center of the chilled air blanket with a thermometer or thermocouple during the idling mode to ensure it is no greater than 30 percent of the solvent's boiling point.
- b. Determine any exceedances that occurred for the refrigeration device and the working-mode cover and correct within 15 days of detection. Adjustments shall be made to the solvent-cleaning system or control to reestablish compliance. The parameter must be re-measured immediately upon adjustment and demonstrated to be within required limits.
- c. Determine the hoist speed by measuring the time it takes for the hoist to travel a measured distance. The speed is equal to the distance in meters divided by the time in minutes. The hoist speed shall be measured quarterly.
- d. Hoist speed shall not exceed a speed of 3.4 meters per minute (11 feet per minute). An exceedance shall require monitoring to increase to a monthly basis for a period of 12 months after compliance without an exceedance is demonstrated.
- e. Room parameters shall be monitored as specified in 40 CFR 63.466(d).
- f. Monitor the halogenated HAP solvent content for each solvent used in the solvent-cleaning machine.
- g. Monitor the annual solvent consumption for each solvent cleaning machine.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Specific Recordkeeping Requirements:**

- a. The permittee shall maintain the following records for the lifetime of the solvent-cleaning machine.
  1. Owners manuals, or if not available, written maintenance and operating procedures, for the solvent cleaning machine and control equipment.
  2. The date of installation for the solvent cleaning machine and all of its control devices. If the exact date of installation is not known, a letter certifying that the cleaning machine and its control device were installed prior to, or on, November 29, 1993, or after November 29, 1993, may be substituted.
  3. The initial performance test, including the idling emission rate and values of the monitoring parameters measured during the test.
  4. The halogenated HAP solvent content for each solvent used in the solvent-cleaning machine.
- b. The permittee shall maintain the following records for a period of five years.
  1. The results of all control device monitoring.
  2. Information on the actions taken to comply with the control device monitoring parameters, including written or verbal orders for replacement parts, a description of the repairs made, and additional monitoring conducted to demonstrate that monitored parameters have returned to accepted levels.
  3. Estimate the annual solvent consumption for each solvent cleaning machine.

**6. Specific Reporting Requirements:**

- a. The permittee shall submit annual reports by February 1 following the reported year and shall include the following.
  1. A signed statement from the facility owner or a designee stating that, "All operators of solvent cleaning machines have received training on the proper operation of solvent cleaning machines and their control devices sufficient to pass the test required in 40 CFR 63, Subpart T, condition 63.460(d)(10)".
  2. An estimate of solvent consumption for each solvent cleaning machine.
- b. The permittee shall submit an exceedance report to the Division semiannually, except when an exceedance occurs. Once an exceedance has occurred the owner or operator shall follow a quarterly reporting format until a request to reduce reporting frequency is approved. Exceedance reports shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. The exceedance report shall include the following applicable information.
  1. Information on the actions taken to comply with the control device monitoring parameters. This information shall include records of written or verbal orders for replacement parts, a description of the repairs made, and additional monitoring conducted to demonstrate that monitored parameters have returned to required limits.
  2. If an exceedance has occurred, the reason for the exceedance and a description of the actions taken. If no exceedances of a parameter have occurred, or a piece of equipment has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in the report.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**7. Specific Control Equipment Operating Conditions:**

- a. The refrigeration device shall be operated so that the temperature of the center of the chilled air blanket measured with a thermometer or thermocouple during the idling mode does not exceed greater than 30 percent of the solvent's boiling point.
- b. The freeboard ratio for the solvent cleaning machine shall not exceed 1.0.
- c. Hoist speed shall not exceed a speed of 3.4 meters per minute (11 feet per minute).

**Group Requirements: Group 2 VOC Emitting Facilities**

**02(05,06)      2 Primer Spray Booths**

**Description:** These units have a processing rate of 0.005 tons per hour. Control equipment for these units is a thermal oxidizer. Date Commenced: 1/1/95

**03(07,08)      2 Adhesive Spray Booths**

**Description:** These units have a processing rate of 0.005 tons per hour. Control equipment for these units is a thermal oxidizer. Date Commenced: 1/1/95

**05(11,12,13,14)      4 Marking and Painting Lines**

**Description:** These units have a processing rate of 0.784 gallons per hour. There is a fabric filter used for control. Date Commenced: 1/1/95

**APPLICABLE REGULATIONS:**

401 KAR 59:225, New miscellaneous metal parts and products surface coating operations

**1. Operating Limitations:**

None.

**2. Emission Limitations:**

The permittee shall not use coatings with VOC density greater than 3.5 lbs/gal for emission points 05 and 18. On or after September 8, 2000, the permittee's VOC emissions from emission points 02 and 03 shall not exceed 15 percent of the net input of the VOC.

Compliance Demonstration: For emission point 05, VOC content as documented in each MSDS for coatings used, shall be compared to the standard. For emission points 02 and 03, the permittee shall develop a protocol subject to DAQ approval for continuous compliance demonstration following start-up of control equipment and compliance demonstration.

**3. Testing Requirements:**

See Section G(d).

**4. Specific Monitoring Requirements:**

The permittee shall also monitor all parameters established by the compliance demonstration protocol required in 2 above.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Specific Recordkeeping Requirements:**

The permittee shall maintain records of the daily use of coatings used in the above emission units and calculate a material balance that demonstrates compliance with the above emission limitations. Daily records shall be maintained of the amount and type of adhesive, coating and solvent used at each point of application. The VOC content in each adhesive, coating and solvent shall also be recorded as well as the oven temperature. Additional record keeping requirements may be added for emission points 02 and 03 based upon operating parameters during the control equipment compliance demonstration test.

**6. Specific Reporting Requirements:**

Annual compliance certification

**7. Specific Control Equipment Operating Conditions:**

See Section E.

**8. Alternate Operating Scenarios:**

None

**9. Compliance Schedule:**

See Section I.

**10. Compliance Certification Requirements:**

The permittee shall submit a compliance certification upon meeting the requirements of 401 KAR 59:225, New miscellaneous metal parts and products surface coating operations.

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. (EP# 01) 4-- After Cure Ovens (1.98 mmBTU/he each)	NA
2. (EP# 07) 4--Surface Treating Ovens (0.794 mmBTU/hr each)	NA
3. (EP# 09) Air Make-up Units (2-3.2mmBTU/hr, 1-3.5 mmBTU/hr, 1-6.3 mmBTU/hr, 2-6.6 mmBTU/hr)	NA
4. (EP# 10) 4--After-Cure Ovens) (1.98 mmBTU/hr each)	NA
5. (EP# 11) Natural Gas Boiler (2.5 mmBTU/hr)	401 KAR 59:015
6. (EP# 15) 8--After Cure Ovens (1.98 mmBTU/hr each)	NA
7. (EP# 17) 4--Surface Treatment Ovens (0.794 mmBTU/hr each)	NA
8. (EP# 20) Natural Gas Boiler (2.5 mmBTU/hr)	401 KAR 59:015
9. (EP# 21) Natural Gas Boiler (4.5 mmBtu/hr)	401 KAR 59:015
10. 2 --- Powder Coat Marking/Painting Lines	401 KAR 59:010
11. 1---Oven (0.0015 mmBTU/hr)	NA
12. 1 --- Zinc Plating Line	401 KAR 59:010

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. As required by Section 1b of the material incorporated by reference in 401 KAR 52:020, Section 10; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. PM and VOC emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements.
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.[Material incorporated by reference by 401 KAR 52:020, Section 1b (IV)1]
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [Material incorporated by reference by 401 KAR 52:020, Sections 1b(IV)2 and 1a(8)]
3. In accordance with the requirements of Regulation 401 KAR 52:020, Section 3(1)(h) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit;
  - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements;
  - e. Reasonable times are defined as during all hours of operation, during normal office hours, or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, [other than continuous emission or opacity monitors](#), shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.  
[Material incorporated by reference by 401 KAR 52:020, Section 1b (V )1.]

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

6. The semi-annual reports are due prior to January 30th and July 30th of each year. [Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3\(3\).](#) All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within [30 days](#). Other deviations from permit requirements shall [be included in the semiannual report required by Section F.6.](#) [Material incorporated by reference by 401 KAR 52:020, Section 1b V 3, 4.]
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
  - a. Identification of the term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period, and
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

**Division for Air Quality  
Bowling Green Regional Office  
1508 Western Ave.  
Bowling Green, KY 42104**

**U.S. EPA Region IV  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960**

**Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601**

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.

## **SECTION G - GENERAL PROVISIONS**

### **(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including termination, revocation and reissuance, revision or denial of a permit. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 3 ]
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 6 ]
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon requested by the cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the permit. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 7,8 ]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority. [Material incorporated by reference by 401 KAR 52:020, Section 7(1)]

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 14]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 4 ]
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States. [Material incorporated by reference by 401 KAR 52:020, Section 1a, (15)b ]
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [Material incorporated by reference by 401 KAR 52:020, Section 1a, 10]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:020, Section 11(3)(b)]
11. This permit does not convey property rights or exclusive privileges. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 9]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 52:020, Section 11(3)(a)]
15. This permit consolidates previously issued construction and operating permit terms and conditions for various emission units and incorporates all existing permits into one single permit for this facility.
16. Permit Shield - A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of a permit shall be considered compliance with:
  - (a) Applicable requirements that are included and specifically identified in the permit and
  - (b) Non-applicable requirements expressly identified in this permit.

## **SECTION G - GENERAL PROVISIONS (CONTINUED)**

### **(b) Permit Expiration and Reapplication Requirements**

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 52:020, Section 12]
2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the division after the completeness determination has been made on any application, by whatever deadline the division sets. [401 KAR 52:030 Section 8(2)]

### **(c) Permit Revisions**

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

### **(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements**

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the division's Frankfort Central Office, notification of the following:
  - a. The date when construction commenced.
  - b. The date of start-up of the affected facilities listed in this permit.
  - c. The date when the maximum production rate specified in the permit application was achieved.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

3. Pursuant to 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the cabinet may extend these time periods if the source shows good cause.
  4. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the cabinet.
  5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance test on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements.
  6. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.
  7. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the division shall be notified of the actual test date at least ten (10) days prior to the test.
- (e) Acid Rain Program Requirements
- If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.
- (f) Emergency Provisions
1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
    - a. An emergency occurred and the permittee can identify the cause of the emergency;

## SECTION G - GENERAL PROVISIONS (CONTINUED)

- b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within ten (10) working days of the time when emission limitations were exceeded due to the emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
  - e. This requirement does not relieve the source from other local, state or federal notification requirements.
- 2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement. [401 KAR 52:020, Section 24(3)]
  - 3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:020, Section 24(2)]

(g) Risk Management Provisions

- 1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

**RMP Reporting Center**  
**P.O. Box 3346**  
**Merrifield, VA, 22116-3346**

- 2. If requested, submit additional relevant information to the division or the U.S. EPA.

(h) Ozone depleting substances

- 1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166

## **SECTION G - GENERAL PROVISIONS (CONTINUED)**

- e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

## **SECTION H - ALTERNATE OPERATING SCENARIOS**

None

## **SECTION I - COMPLIANCE SCHEDULE**

Agreed order # DAQ 99050, attached.